



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 27 जनवरी, 2003/7 माघ, 1924

हिमाचल प्रदेश सरकार

PANCHAYATI RAJ DEPARTMENT

ORDER

Shimla-9, the 14th January, 2003

No. PCH-HA(5)34/99-Sarahakad.—Whereas in a complaint made to D. C. Hamirpur by Up-Pradhan, Gram Panchayat, Sarahakad and other residents of village Bharnag, Tehsil and District Hamirpur, Himachal Pradesh it was alleged that while functioning as Member Block, Development Committee Bamson for the period 2000—2005, you in connivance with Shri Prem Chand Pradhan, Gram Panchayat Sarahakad have committed irregularities for which charge sheet was issued against you for two charges.

And whereas, a show cause notice dated 24-9-2001 was issued against you by the prescribed authority U/S 145 (2) of the Himachal Pradesh Panchayati Raj Act with a direction to file reply to the same within 15 days.

And whereas, the prescribed authority feeling dissatisfied with your reply, passed order of suspension as Member Panchayat Samiti, Bamson against you on 16-10-2001 and further referred the matter to the Government for taking action under section 146 (1) of the Act.

And whereas, the Government vide order dated 3rd January, 2002 ordered inquiry U/S 146 (1) of the Act for which ADM, Hamirpur was appointed as Inquiry Officer on 9-1-2000. The Charges so levelled against you as per the charge sheet were as under :—

1. That you have verified Bills/Vouchers of construction of defence wall at Akhara Maidan Bharnag amounting to Rs. 11054/- of Gram Panchayat Sarahakad

so constructed under JGSY. Since the said scheme was to be executed by the Gram Panchayat concerned and its construction as per rule is to be carried out either by construction committee or by Yuvak Mandal. In the present case you were not the member of any of these committee but even then he had verified said Bills/vouchers. Therefore, you have misconducted your self such liable for disciplinary action.

2. That you as Member Panchayat Samiti Bamson while functioning as such has verified Bills/vouchers as Member Panchayat Samiti amounting to Rs. 11054/- for the construction of defence wall constructed funded JGSY at Akhara Maidan Bharnag under Gram Panchayat Sarahakad for which only Rs. 10,000/- was sanctioned. You being neither Member of construction nor of Yuvak Mandal was competent to do so. You as Member of Panchayat Samiti have misused your official powers and as such liable for disciplinary action.

And whereas A. D. M. Hamirpur who was appointed as Inquiry Officer submitted the report to both the charges to the govt. through letter dated 26-7-2002. As per the findings of the Inquiry Officer, both the charges have been found proved against you.

And whereas, the Inquiry Officer against both the charges have found you guilty because neither you were the member of construction committee nor the member of Yuvak Mandal but even then you have verified the Bills/vouchers. Hence, you have misconducted your self by verifying the Bills/vouchers and upon this verification, the payment of Rs. 10,000/- have been released for the said work at a place which was never approved for construction by the Gram Panchayat Sarahakad. Both these irregularities amount to misconduct under Section-146 (1) (b) of the Himachal Pradesh Panchayati Raj Act, 1994.

And whereas the said inquiry report was considered by the government when it was decided that to explain your position for the proved misconduct on your part, a show cause notice for removal U/s 146 (2) of the Act be issued to you alongwith a copy of inquiry report. The same was accordingly, issued on 20-12-2002. In the said notice you were directed to file reply by 6-1-2003 and also appear in person.

And whereas your reply and submissions have also been considered to both the charges and it is found as under:—

In the said inquiry report qua-allegation No. 1 it is found that being Member of Panchayat Samiti Bamson you have verified Bills/vouchers of construction of retaining wall at Bharnag amounting to Rs. 11054/- of Gram Panchayat Sarahakad under JGSY whereas being member B. D. C. neither the same falls within your duties nor the Gram Panchayat had authorised you to act as such. Therefore, this is a clear case of misuse of official position by you because the scheme was to be executed by the Gram Panchayat concerned and its construction as per report is to be carried out either by the construction committee or by the Yuvak Mandal you should not satisfied yourself that this falls within your duty reasoning thereby you had not applied your mind while signing the bills which only speaks of mala fide action on your part. Therefore, you have misconducted yourself and as such liable for disciplinary action. Hence the report of the Inquiry Officer is accepted and this charge is found proved against you

And whereas, for Charge No. 2 the inquiry officer has found that you while functioning as Member Panchayat Samiti Bamson verified bills/vouchers of Rs. 11054/- for the construction of defence wall constructed at Akhara Maidan Bharnag for which only Rs. 10,000/- was sanctioned. Your defence that you only signed these vouchers at the instance of G P V A concerned is neither reasonable nor sustainable because as per rule you being neither a member of construction committee nor of Yuvak Mandal was competent to act as such. As per your verification/signature, payment of Rs. 10,000/- was made for the said work at a place which was never sanctioned/approved by the Gram Panchayat. Therefore, as Member of Panchayat Samiti,

you have misused your official powers. Hence the findings of the Inquiry Officer to this charge is also correct and accordingly accepted.

And whereas both the charges levelled against you have been found proved which constitute misconduct and fall under the ambit of Section 146 (1)(b) of the Act. The plea taken by you in your reply have also been considered and found not sustainable because you being Member Panchayat Samiti Bamson, have committed financial irregularities, misappropriation of Panchayat fund & also of not following rules and instructions. Thus, such behaviour on the part of a person holding a public and responsible office is definitely a misconduct for which you, being Member Panchayat Samiti Bamson, is found guilty.

Hence, for the reasons, recorded hereto forth the Governor, Himachal Pradesh in exercise of the powers vested in him U/S 146 (1) of the Himachal Pradesh Panchayati Raj Act, 1994, is pleased to remove said Shri Ramesh Chand Member Panchayat Samiti Bamson District Hamirpur, Himachal Pradesh forthwith. The Governor, Himachal Pradesh in exercise of the powers vested in him under the Act *ibid*, is further pleased to order the disqualification of said Shri Ramesh Chand Member Panchayat Samiti Bamson, District Hamirpur, Himachal Pradesh for a period of six years to be elected as an office-bearer of a Panchayat functionary under this Act.

These orders shall come into force with immediate effect

SAROJ KUMAR DASH,
Secretary.

